Texas Judge Rules CDC Eviction Moratorium Unconstitutional

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In the ruling, U.S. District Judge John Barker ruled in favor of the landlords and property managers who brought the lawsuit, ruling that the CDC's eviction moratorium exceeded the federal government's constitutional authority. Specifically, Judge Barker ruled that the CDC exceeded its authority under the interstate commerce clause of the U.S. Constitution, and Congress also lacked the constitutional authority to grant CDC the power to halt evictions nationwide.

"The court concludes that the federal government's Article I power to regulate interstate commerce and enact laws necessary and proper to that end does not include the power to impose the challenged eviction moratorium," Judge Barker wrote, "Although the COVID-19 pandemic persists, so does the Constitution."

In the opinion, Judge Barker said he expected the CDC to abide by his ruling and cease enforcement of the CDC's eviction moratorium order, noting "[s]o the court chooses not to issue an injunction at this time."

As of the writing of this blog, the U.S. Justice Department has declined to comment on the ruling, and there is no immediate word from the CDC as to whether it intends to continue to enforce the moratorium should the case be appealed. Many practitioners do expect the case to be appealed to the Texas-based U.S. Court of Appeals for the 5th Circuit.

There are several unanswered questions at this time, and more information regarding the implications of this court decision on Iowa landlords will be forthcoming within the next week.

Related Resources:

Additional resources about the eviction moratorium can be found in our Resources for Landlords or on the Iowa Landlord Insights newsletter.

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